

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 202006070	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 09/04/2020 12:00 PM	Location of Incident: Social Media Twitter	Precinct:	18 Mo. SOL 3/4/2022	EO SOL 5/4/2022	
Date/Time CV Reported Tue, 09/08/2020 2:07 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 09/08/2020 2:07 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. SGT Edward Mullins	01771	876768	DBBS OP

Officer(s)	Allegation	Investigator Recommendation
A.SGT Edward Mullins	Off. Language: Sergeant Edward Mullins made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)	[REDACTED]

Case Summary

On September 5, 2020, Deputy Commissioner Joseph Reznick of IAB referred this complaint to the IAB command center. On September 21, 2020, it was forwarded to the CCRB via IAB log #2020-21265. On September 8, 2020, an § 87(2)(b) individual filed a duplicate complaint with the CCRB via the website.

On September 4, 2020, § 87(2)(b) § 87(2)(b) of the New York City Council made a post to his Twitter account asking that an investigation be conducted into a possible NYPD work slowdown. In response, Sergeant Ed Mullins, the president of the Sergeants' Benevolent Association (SBA), made a post to the SBA's verified Twitter account, @SBANYPD, in which he called § 87(2)(b) a "first class whore" (**Allegation A: Offensive Language – Sexual Orientation**, § 87(2)(g)). The post has since been taken down, but it was documented in several news articles (Board Review #01-03).

Due to media attention, this case was added to the agency's list of sensitive cases.

Findings and Recommendations

Allegation (A) Offensive Language: Sergeant Edward Mullins made remarks to § 87(2)(b) based upon the perceived sexual orientation of § 87(2)(b)

It is undisputed that on September 4, 2020, Sergeant Mullins made a post to the SBA Twitter feed responding to a post by § 87(2)(b) regarding a potential investigation of the NYPD. In it, Sergeant Mullins stated, "He we go [*sic*] America this is what a first-class whore looks like § 87(2)(b) Passes laws to defund police, supports criminals, & now because he's running for office he blames the police to protect what he voted for. Remember Little § 87(2)(b) Meet LYING § 87(2)(b) § 87(2)(b) The post also includes a photograph of § 87(2)(b) § 87(2)(b) being arrested during a previous protest (Board Review #04).

The investigation reached out to Sergeant Mullins through his attorney, § 87(2)(b) and offered him an opportunity to make a statement about the incident. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

While Sergeant Mullins is the head of the SBA, he is still an active member of the NYPD. He receives an NYPD salary that is independent of his SBA salary (Board Review #05-06). He is therefore still subject to the rules and regulations of the Patrol Guide as any other member of the service.

Sergeant Mullins' post calling § 87(2)(b) § 87(2)(b) a "whore" was widely viewed as a homophobic slur, drawing on the history in America of connecting homosexual men with sexual perversion and/or illicit activity. § 87(2)(b) § 87(2)(b) replied to concerns about the perceived homophobic message contained in the post by stating in his own Twitter post, "My message to the homophobes of @SBANYPD: I'm here. I'm queer. I'm not going anywhere. And whether you like it or not, I'm heading to the United States Congress" (Board Review #07). § 87(2)(b) § 87(2)(b) publicly identified Sgt. Mullins' tweet as homophobic and given the history of discrimination against homosexuals following a similar pattern, the investigation pleaded this allegation as Offensive Language: Sexual Orientation.

Statements made by public officials involving matters of public concern are accorded First

Amendment protections, but these protections are balanced against their government employer's interest in providing public services in an effective manner. Pickering v. Board of Education, 391 U.S. 563 (1968) (Board Review #08).

The effectiveness of a police department depends upon the respect and trust of the community it serves. If a police department treats segments of the community with disrespect based on aspects of their identity, such as their race, religion, gender or sexual orientation, this behavior erodes the relationship of trust and impairs the department's ability to serve the community. Since racist, homophobic or misogynistic statements made by individual officers may harm relations between the police department and the community, these statements are subject to disciplinary actions by the department. Locurto v. Giuliani, 447 F.3d 159, 183 (2d Cir., 2006). Pappas v. Giuliani, 290 F.3d 143 (2d Cir., 2002) (Board Review #09-10).

NYPD Patrol Guide procedure 200-02 states that the Department is committed to accomplishing its mission of protecting the lives and property of all citizens of New York City by treating every citizen with compassion, courtesy, professionalism and respect (Board Review #11).

NYPD Patrol Guide procedure 203-10 states that officers are prohibited from using discourteous or disrespectful remarks regarding another person's ethnicity, race, religion, gender, gender identity/expression, sexual orientation or disability (Board Review #12).

Sergeant Mullins' use of the term "first class whore" is an offensive and uncivil phrase that fails to "respect the dignity of each individual" or "maintain the higher standard of integrity" that is expected of officers. Sergeant Mullins' statement on social media is of public concern because his use of derogatory and offensive language damages the relationship between the NYPD and the community, thereby reducing the NYPD's ability to effectively provide services to the public. § 87(2)(b)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review #13).
- Sergeant Mullins has been a member of the service for 38 years and has been listed as a subject officer in three previous CCRB complaints and three allegations, none of which were substantiated.

Mediation, Civil and Criminal Histories

- This complaint was not eligible for mediation.
- A Notice of Claim request was submitted to the NYC Office of the Comptroller on September 30, 2020. The results will be included in the case file upon receipt.
- § 87(2)(b)

Squad No.: 15

Investigator:	<u>Owen Godshall</u>	<u>Inv. Owen Godshall</u>	<u>10/21/2020</u>
	Signature	Print Title & Name	Date

Squad Leader:	<u>Simon Wang</u>	<u>IM Simon Wang</u>	<u>01/13/2021</u>
	Signature	Print Title & Name	Date

Reviewer:	<u></u>	<u></u>	<u></u>
	Signature	Print Title & Name	Date